IN THE

Supreme Court of the United States

OCTOBER TERM, 1950.

No. 446

CREST SPECIALTY (NOT INC.), A LIMITED PARTNERSHIP CONSISTING OF BEN B. MANASTER, ROSE MANASTER, CAROL RUTH MANASTER, AND SOL ELIOT,

Petitioner,

vs.

DAVID C. TRAGER, DOING BUSINESS AS TOPIC TOYS, AND EOINA NUDELMAN, AN INDIVIDUAL,

---

PETITIONER'S BRIEF IN OPPOSITION TO RESPONDENTS' PETITION FOR REHEARING.

To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

The respondents' petition for rehearing should be denied. Such petition in its entirety is a mere restatement of respondents' position as heretofore presented in their brief filed in this Court and at the oral argument before this Court. Such petition for rehearing contains nothing not heretofore considered by this Court.

As heretofore pointed out by petitioner in its brief and at the oral argument before this Court, neither the Court

of Appeals nor the trial court in this case had the benefit of the decision of this Court in *The Great Atlantic & Pacific Tea Company* v. *Supermarket Equipment Corporation*, 340 U. S. 147, when rendering their respective judgments. Had they had the benefit of such decision, they would have decided as this Court did.

The respondents' petition for rehearing should be denied.

Respectfully submitted,

CLARENCE E. THREEDY,
Attorney for Petitioner.

Chicago, Illinois,
May 8, 1951.